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01915/13921 US02

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11/20/02

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Applicant: Carter, et al.

Serial No.: 09/528,034

Filed: March 17, 2000

For: "MATERIALS AND METHODS FOR
IMPROVED BONE TENDON BONE
TRANSPLANTATION"

Group Art Unit: 3738

Examiner: Alvin Stewart

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)
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) Registration No. 32,167
) Attorney for Applicants

AMENDMENT AND REQUEST FOR RECONSIDERATION UNDER 35 U.S.C. § 1.116

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Assistant Commissioner for Patents
Washington, DC 20231

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Sir:

In response to the Final Official Action of 09/11/02, for which a response is due 11/11/02, Applicants respectfully request that the Examiner exercise his discretion under § 1.116 and enter the following amendments before consideration of the response on the merits. Entry of the amendments is proper because they cancel claims, clarify the Applicants' invention, and place the claims in better position for appeal. Claim 14 has been allowed. Claims 1, 2, 4 and 5, which are directed to similar subject matter, have been rejected for allegedly being anticipated and/or obvious. The Applicants respectfully submit that the Patent Office erred as a matter of fact in construing the screw-suture combination of Stone (even if attached to a tendon) as anticipating the implantable bone-tendon-bone graft of claim 1 of Applicants' invention.